

REMARKS

Favorable reconsideration is respectfully requested in view of the previous amendments and following remarks.

Claim 36 is amended to address the issue raised in section 1 on page 2 of the Official Action. Withdrawal of the claim objection is therefore respectfully requested.

Turning now to the prior art, Claim 1, the only independent claim, is rejected as being unpatentable based on the disclosures in U.S. Application Publication No. 2002/0159915, hereinafter Zelina, and U.S. Patent No. 6,475,435, hereinafter Taggart.

Specifically, the Official Action states that Taggart discloses a device including a heating zone (164), a sterilization zone (166), a venting zone (172), and means for maintaining a higher positive pressure in the sterilization zone (166) than in the heating zone (164) and venting zone (172). Based on this reading of Taggart, the Official Action takes the position that it would have been obvious to an ordinarily skilled artisan to modify Zelina's device to have means for maintaining a higher positive pressure in a sterilization zone than in a heating zone or a venting zone. Applicants respectfully disagree.

Taggart discloses a sterilization system including, *inter alia*, a fourth zone 165, a first zone 164, a second zone 166 and a third zone 172. The fourth zone 165 comprises an interior bottle sterilization apparatus 116 which is provided to supply a sterilizing agent to the interior of the bottles. Next, in the subsequent zone, i.e., the first zone 164, the sterilizing agent is activated and dried. Then, in the subsequent zone, i.e., the second zone 166, the bottles are filled. Thus, if anything, the fourth zone 164 is a sterilization zone, the first zone is a venting zone, and the second zone

166 is a filling zone. In a further zone, the third zone 172, the bottles are discharged. According to the document, the mutual pressures are as follows: $1^{\text{st}} < 2^{\text{nd}} > 3^{\text{rd}}$. Furthermore, the gas flow is from the zone 164 to the zone 165, which implies the following pressures: $4^{\text{th}} < 1^{\text{st}}$. Hence, the highest pressure is in the second zone 166, which is the filling zone. See Taggart, column 9, lines 25-50.

Zelina discloses a system for supplying vapor hydrogen peroxide to an aseptic filling plant, in which containers go through a heating chamber 170, and then a decontamination tunnel 11, and finally a filling area 190. The Official Action takes the position that, *inter alia*, Zelina's heating chamber 170 corresponds to a heating zone, Zelina's decontamination tunnel 11 corresponds to a sterilization zone, Zelina's filling area corresponds to a filling zone, and that, in light of the disclosure in Taggart, an ordinarily skilled artisan would have modified Zelina's system to include means for maintaining the highest positive pressure in the decontamination tunnel 11.

However, as discussed above, Taggart teaches, if anything, that the filling zone should have the highest pressure. Thus, if the teachings of Taggart were applied to Zelina, the result would be a sterilization system in which the filling area 190 has the highest pressure, and not the decontamination tunnel 11.

Moreover, Claim 1 is amended to recite that, in the sterilization zone, the gaseous sterilizing agent flows essentially in a direction from the open end of the packages towards the closed end of the packages, and that the means for controlling the flow of gaseous sterilizing agent are arranged to introduce the gaseous sterilizing agent in a top portion of the sterilization zone and to evacuate the gaseous sterilizing agent in a bottom portion of the sterilization zone, maintaining a flow of gaseous sterilizing agent essentially from top to bottom.

Zelina shows an outlet in the top of the chamber (Fig. 1) and in the packages (Fig. 8, Fig. 11). Moreover, lines 4-6 of page 14, state that "the hydrogen peroxide thus flows directly from a discharge outlet 128 of the fill line into an interior space 130 of the container". Thus, even assuming for the sake of discussion that Zelina can be said to disclose sterilizing agent evacuated in the bottom of the sterilization zone, it is quite clear that this is done in the packages, and thus, no sterilization on the outside of the packages occurs.

Moreover, in Taggart, a sterilizing agent is applied to the outside surface of the bottle in the sterilization chamber 38. The sterilizing agent is further applied to the bottle inside in the sterilization zone 165. There is no outlet in the bottom of the zone 165. Only the venting zone 164 has outlets in its bottom. Hence, the inside and outside sterilizations in Taggart are separated.

Accordingly, it is quite clear that the combined teachings of Zelina and Taggart would not result in a device in which, in the sterilization zone, the gaseous sterilizing agent flows essentially in a direction from the open end of the packages towards the closed end of the packages, and that the means for controlling the flow of gaseous sterilizing agent are arranged to introduce the gaseous sterilizing agent in a top portion of the sterilization zone and to evacuate the gaseous sterilizing agent in a bottom portion of the sterilization zone, maintaining a flow of gaseous sterilizing agent essentially from top to bottom, in combination with the other features recited in Claim 1.

In light of the foregoing, Applicants respectfully submit that amended Claim 1 is clearly patentably distinguishable from the disclosures in Zelina and Taggart. Withdrawal of the rejection of Claim 1 is therefore respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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